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ABSTRACT

Two sets of opinion exist regarding the control of schools. The first pertains to the freedom of parental choice in education and the right of individuals and associations to run private schools subject to minimal government controls. The second stresses the overriding need to promote greater equality of opportunity in the form of publicly provided education and training. Based on comparative studies of the independent sectors of education in Western Europe, the United States, Canada, Australia, and New Zealand, this paper illustrates how nations have tried to achieve some kind of balance between these two views. The discussion seeks to clarify the issues which cause the marked difference in the acceptability, the scope, and the cost of private education in the various countries and in the degree of choice and equality of opportunity they achieve; and to demonstrate the strength of the common cause despite the differences, and the advantages of collaboration. The impact of such factors as explicit governmental action, the mores of society, and economic pressures are also reviewed.

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# PRIVATE EDUCATION - A TOUR D'HORIZON

by

Peter Mason

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# PRIVATE EDUCATION - A *TOUR D'HORIZON*

*Paper presented by Peter Mason, Honorary Research Director of the Independent Schools Information Service in Great Britain at the opening session of the Athens Conference on Freedom and Diversity in Education in the EEC Countries, November 8th, 1986.*

There is general agreement in democratic countries in Europe west of the iron curtain, in North America and in Australia and New Zealand about the importance of freedom of parental choice in education and about the right of individuals and associations of various kinds, confessional and lay, to found and run private schools, subject, as is only reasonable, to minimal controls by government to ensure the health, fair treatment and basic educational needs of pupils. This agreement is based on two concepts, both fundamental to our idea of justice - firstly, that this aspect of freedom of choice is a human right, an agreed principle expressed as a major clause in the various international declarations of human rights which have received the assent of almost all democratic countries and which include the European Convention adopted by all members of the European Economic Community; and secondly that freedom of choice in education is an essential element in the preservation of freedom in a democratic society.

On the other hand, there is a strong current of opinion, especially in left-wing circles, but shared by many liberals and by influential sociologists and economists, which stresses the overriding need to promote greater equality of opportunity in a world largely conditioned by what Professor Meade and others have called an underlying system of inherited inequalities. How best to do this and whether and how far it is possible to achieve any real shift has been, of course, the subject of continuing controversy from Jencks to the present day. Jean Floud, in a strongly critical article on the Jencks view that education offers little if any hope of equalising opportunity (see *Equalities and Inequalities in Education, Academic Press, London 1975, pp37ff)* argued that the appropriate question to ask is not whether schools can change people, but whether, other things being equal, the self-perpetuating momentum of the closed system of inherited inequalities can be checked by the injection of outside



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resources in the form of publicly provided education and training. She went on to say that if the distribution of public funds on education is selective according to ability or merit or choice the effect will be to increase inequality, even though more children from humble homes are numbered amongst students reaching higher education. Furthermore, she argued, though parents who pay fees at independent schools increase the amount of educational resources available for general distribution, they reinforce the conservative influences which stem from the closed circle of friendship and intermarriage fostered by closed communities.

For this influential group, therefore, the argument for equality of opportunity overrides the value of personal choice and they are at best prepared to tolerate the existence of a private sector which is in no way supported directly or indirectly by public funds. Further still to the left, Marxist socialists, with their collectivist theories of society, see independent education as a threat to the single, unified, lay system of education which, in the terms of the manifesto of the French Socialist party, is a *sine qua non* for the creation of a truly socialist society.

I shall hope to show you, with the help of the evidence I have gathered in the course of my comparative study of the independent sectors of education in the western-democratic countries in Europe, in the US and Canada and in Australia and New Zealand, something of the different ways in which countries have tried to achieve some kind of balance between the, to my mind, equally desirable aims of freedom of choice in a pluralistic society and the promotion of greater equality of opportunity; and perhaps more importantly to isolate the key factors by which this is determined. I hope too, firstly that by so doing I can help to clarify the issues at stake which cause such marked difference in the acceptability, the scope, and the cost of private education in the different countries and in the degree of variety of choice and equality of opportunity they achieve; and secondly, to demonstrate despite these differences the strength of the common cause we each in our different ways support, the importance of better knowledge and understanding of each others' problems and the advantage which will surely come from such collaboration in future as we can achieve in presenting our cause at international and national level. There is no point at all in ignoring the charge to which independent schools everywhere are liable, though to different degrees, that they are

by nature socially divisive and privileged and tend to create or at least perpetuate an élite and privileged group in the society in which they occur - a charge to which the British independent schools are, for reasons which will emerge later, especially vulnerable. It will therefore be helpful if, by examining the key factors which determine the nature of the independent sector in a given society, we can discover how it stands on the élitist scale of reference whose equally unattainable poles are complete freedom of choice and complete equality of opportunity; and please believe me that I am using the word élitist in a neutral, not a loaded sense, firstly because it seems beyond doubt that freedom of choice for the individual and equality of opportunity for all are at least partly mutually exclusive and presuppose the need for compromise; and, secondly, because the creation of an élite of some kind seems to me a natural and unavoidable by-product of every society, democratic or totalitarian, so that the sensible goal must be to ensure, in Platonic terms though not, of course, on a Platonic model, that those who belong to it are as civilised, unselfish and public-spirited as possible.

It seems to me that the key questions which will give us the criteria for assessing our different positions on what I have called the élitist scale, on the degree of personal choice our independent schools afford and on the extent to which they remain autonomous are these:

1)Is freedom of choice in education by parents and by school authorities held to be a desirable and natural right guaranteed by national and international law and supported by overwhelming public opinion? If so, **how well is it safeguarded and by what means?**

2)**How far and by what means is there equality of opportunity for the choosers**, granted that absolute equality is a pipe dream in a world largely conditioned by the underlying system of inherited inequalities already referred to; and how far should its promotion take precedence over freedom of personal choice for the already privileged? The possibilities include subsidy from public funds, direct or indirect, either to schools or to parents; scholarships and bursaries provided by private charity or endowment; exemption of the expenses of education from taxation; and the benefits of charitable or equivalent status for schools.

**3)How wide is the range of choices available between different types and philosophies of education, both denominational - i.e. church based - and secular?**

**4)How far does the receipt of public funds in the name of increased equality of opportunity and the accountability which inevitably must go with them infringe the real autonomy of the schools?**

I hope to show you that the answers to my 4 key questions about the nature and function of the independent sector in each country are determined by a number of positive or negative controls, some of them arising from constitutional or legislative decree or from executive action by government, others from the mores of the society concerned and others again from the economic pressures which go along with private enterprise. From them we can estimate where a given system stands, and whether it can justly be charged with élitism - the creation and/or reproduction of a privileged minority access to which is limited by inherited rank, wealth or ability.

The most obvious and formal controls and safeguards stem from clauses in written constitutions (where these exist) which define the role of the state and the rights of the individual, including - notably in the 1st amendment of the American Constitution - the relation of church and state and the delegation of powers to regional and provincial authorities. Even where no written constitution exists, as in the UK and New Zealand, signature of the various Declarations of Human Rights, including, for European countries, the European Convention which gives the right of appeal against infringement to the Strasbourg Court, should guarantee freedom of choice in education; and in most countries, where the declarations have been incorporated into national law, there is recourse to national courts if they are infringed. This is, alas, not true of the UK as I will explain later on.

Next in order are the controls or benefits laid down by the legislature at national, or (in Germany, the US, Canada and Australia where devolution of educational control occurs) at state or provincial level. These may either impose extra financial burdens on or authorise relief to independent schools from rates and taxes of all kinds, national and local, or entitle them to receive charitable donations or to share services provided for state schools. Administrative regulation equally may range

from nothing more than the demand for an attendance register and adequate lavatories to strict control of curriculum and examinations, the assessment of pupils, the qualifications of teachers and in some countries like Australia the prohibition of all but non-profit-making private schools. It should be remembered that government regulation of a strict kind, as in Greece, or in Italy where the constitution forbids subsidy from state funds, does not necessarily imply that private schools are granted subsidies or privileges.

No less important are the patterns and philosophies of education which are enshrined in the schools' own statutes or prospectuses - especially when, as in Australia and in France, Spain, and the Low Countries, the great majority of independent schools are directly controlled by a religious denomination or at least in sympathy with a particular creed or church, while being at the same time partly or wholly subsidised by State funds. Many of these confessional schools recruit from a wide social range, relying on their appeal to believers and the involvement of pupils, parents and teachers rather than on superior facilities to those of the state system; but some are more exclusive and expensive and confer advantages of status and quality of education of a more strongly elitist kind.

At the other end of the spectrum is the growing group of fundamentalist schools in the North American continent and the Antipodes and to a lesser extent in Europe which are élitist only in terms of offering and demanding membership of their soi-disant élite group of believers and wary of any form of state control or subsidy. Yet again, free and community-based schools, as well as those which promote theories like those of Steiner and Montessori, are often in principle egalitarian but are in fact mainly supported by the liberal establishment, who can afford to back their educational predilections no less than those who pay fees at more orthodox independent schools.

The controls exercised either restrictively or beneficially upon the independent sector of a country by law and by its own philosophies of education are, however, a reflection of broader social influences. These, of course, evolve and change with time, but they have their roots in the historical and spiritual past of the society in question. For example, the aims and ethos of the traditional 19th century English boarding school,

which spread through the English-speaking world, remain potent in many schools belonging to the National Association of Independent Schools in the US and its equivalent in Canada, and to the Associations of Heads of Independent Schools in Australia and New Zealand; and the English Reformation under Henry VIII is ultimately responsible for the partial absorption of Church schools in Great Britain into the state system as 'voluntary-aided' schools, whereas in most other countries denominational and especially Catholic schools are the biggest component of the private sector.

Finally the current of egalitarianism and the pursuit of equality of opportunity, which has since the 1940s gained force and influence in all countries alike, though to different degrees, has in turn greatly influenced the attitude both of governments and the public to private as well as state education, and has contributed to attempts to reduce the autonomy of the private sector. In some countries, notably France, Spain and the United Kingdom, it has, as I shall explain later, brought the private sector under direct attack, which either threatens the public subsidies which make the schools available to the less well-off or, as in Great Britain, aims at the abolition of all fee-paying education.

I hope this perhaps rather obvious summary will help to demonstrate the complication of interacting factors which determine where the independent sectors of our different countries should be placed on the élitist spectrum, from which I would remind you there is no absolute escape. I would now like to illustrate their effect a bit more precisely by reference to more specific examples, first of all from within the EEC, and then more briefly from North America and the Antipodes. Those of you who would like a more detailed account country by country, with more statistical information, will, I hope, consult my fact sheet, which is available as a separate document. This deals firstly with constitutional and legal guarantees, secondly with the combined effect of subsidy from public funds and of controls of various kinds, thirdly with indirect aid for parents and schools and fourthly with the influence of educational patterns and social mores and in particular with the involvement of the churches in education.

Constitutional safeguards for parental freedom of choice and pluralism in education vary considerably in emphasis in the different

European countries, as does the degree of control delegated to the executive. In Ireland, amongst other countries, full responsibility for education remains with parents and the State is required only to assist them and to ensure there is no neglect. Elsewhere freedom of choice and of establishing schools of different kinds is guaranteed, but all must conform to certain basic standards; and in many the principle of equality of opportunity has led to provision for financial subsidy for independent schools ranging from full maintenance and other subsidies in one German Land and in the Netherlands and Belgium to contributions of 70% or more of costs for all private schools in Denmark, while in the other German Laender, France, Spain, Portugal and Luxembourg certain schools which are recognised by and under contract with the state receive a similar subsidy. Within the EEC only in Italy, Greece, England, Wales and Scotland are private schools unsubsidized by central government, and in Italy subsidy is specifically forbidden by the constitution. Two countries deserve special comment - first, Denmark, where almost 9% attend private schools and 70% subsidies are granted to any school which can attract a minimum roll of pupils and teaches the Danish language. As a result aided schools in Denmark include international schools, Montessori, Steiner and other so-called 'free' schools and even Socialist and Marxist schools, though these are apparently not much sought after. Second is West Germany, with 5.6% in private schools. Here the constitution very specifically legislates for freedom in education but adds a clause requiring that schools must not be socially divisive by reason of cost. The Constitutional Court has therefore ruled that this involves government help for non-state schools which are comparable in standards to state schools; and though there have recently been attempts to reduce subsidy for economic reasons and some political parties are opposed to it, the principle is protected by the laws of education in the 11 Laender.

As I have already remarked, the confessional schools are the biggest single private sector group in almost all countries and within this group the Catholic Schools are by far the most numerous and are highly organised centrally, especially in the Low Countries where between 70% and 80% of all children attend private schools, in Spain with 45%, France with 16.7%, Portugal. Luxembourg and Ireland. The same is true of the US, where Catholic schools educate 65% and church schools as a whole 85% of the

independent school total; of Canada, in those provinces which do not include Catholic schools within the state system as 'separate' schools; and of Australia where almost 3/4 of the 26% of the total school population who are privately educated attend Catholic day and boarding schools. In New Zealand Catholic schools have been incorporated since the late 70s in the state system rather like the 'voluntary-aided' schools in the UK. I have already mentioned the explosive growth of fundamentalist Christian schools in North America and the Antipodes, which is now showing signs of spreading to Europe. Nevertheless the number and strength of lay schools and particularly of Steiner and similar schools is increasing in many countries, especially in the Netherlands, Denmark and Germany where they are eligible for subsidy.

The subsidies received by most private schools in Europe are often the result of political agreements like the *pacte scolaire* in Belgium, made after many years of bitter struggle. They inevitably impose restrictions on autonomy, which differ with the degree of control in each country concerned; and as one would expect, there is criticism of either the principle involved or the degree of subsidy from left-wing parties who wish for complete control of education and from anti-clericals, quite apart from the usual arguments about educational goals, curricular reform and democratization of control.This last tends to erode the authority of principals and trustees and is particularly unwelcome to the Churches. It would be hard to overestimate the importance of their success in both France and Spain, along with regional and national associations of parents, teachers' unions in the independent sector, parliamentary groups and the media, in warding off measures which would have deprived the schools both of their autonomy and of their special qualities and distinction. Popular opinion, as expressed in opinion polls, both in these countries, in the UK and in other countries where there is little or no political attack, show consistently upwards of 70% of overall support for freedom of choice of school; and there is evidence almost everywhere in Europe and elsewhere of a movement away from state schools because of dissatisfaction with discipline, teaching quality, involvement of pupils, materialism, examination results, the development of personality and extra-curricular interests. The more élite private schools are, of course, materially better provided than the average state school; but the essential difference, which

explains the attraction of the private sector even when, as in the Netherlands, fees are not allowed and material provision is much the same as in state schools, lies in the greater involvement of parents, teachers and taught in a community with a clear and individual sense of purpose and a coherent educational philosophy- something which though it can and does occur in state schools in favoured catchment areas, is rarer than in the past, thanks to the pressures of an increasingly materialistic life-style.

Now for a very brief note on the other continents. The largely denominational private sector in the US receives very little direct subsidy from public funds except for sharing in federal grants for the disadvantaged and for special programmes, though they benefit from indirect subsidies by way of relief from federal and local taxes. The reason is the constitutional separation of Church and State which the Courts have upheld until recently as a bar against financial aid for private schools. There is strong support from the President and from sections of the public for various systems of educational vouchers as a means of extending freedom of choice beyond the limits imposed by ability to pay fees, but there seems little immediate likelihood of their introduction. What is noteworthy is increasing cooperation in some States and at federal level between the state and private systems. Much the same is true of Canada. In both countries non-profit-making schools benefit from the incentive to donors of tax deductions for charitable gifts to schools, and the breadth of theprivate sector in which élite schools are only a tiny, if powerful minority helps to preserve them from serious attack. In Australia, 26% of the school population attend non-government schools, whose range and variety is again very wide, despite the fact that more than two-thirds are Catholic. All are non-profit-making and receive financial subsidy from both federal and state authorities upon a categorization theoretically based on need. The present Labor government has frozen grants to the better-off schools and would probably like to reduce them still further, but to do so would be to commit political suicide. Nevertheless Australian private schools are open to a wider range of income groups than in many other countries, and since they are largely unselective in terms of ability are farther than most from the élitist end of the spectrum.

Lastly, a brief word about the UK, which for historical reasons stands at the top end, if that is the right word, of the élitist range. The

private sector educates about 6.6% of the school population of England and Wales and 3.4% in Scotland, yet at the end of the secondary stage provides almost 25% of students in higher education and 45% of entrants to Oxford and Cambridge. The boys' and girls' so-called public schools and the preparatory schools are the largest group in a total of roughly 2500 schools, are charitable foundations and are to varying degrees socially, academically and financially selective. Government aid is limited to the present government's Assisted Places Scheme for some 5000 children annually who show outstanding ability in admission examinations and to help with boarding costs for diplomatic and military personnel serving overseas; but as charities schools are relieved of some rates and taxes and can receive gifts free of tax from donors. On the other hand, apart from the requirements of public examinations and from market pressures they have almost entire freedom in educational matters, religious instruction and observance, choice of staff, etc. Because most local Anglican and Catholic primary and secondary schools were incorporated in the state system as 'voluntary-aided' schools in the 19th century, the British private sector largely lacks the support and involvement of the churches which is so important in other lands; and without hope of subsidy there is little future for real expansion in alternative schools and for a wider range of choice. This, together with the long-standing influence of old boys of public schools in Parliament, the professions and the City of London, together with their dominance of Oxford and Cambridge, though both are now much reduced, has tended to aggravate public hostility to private education in liberal democratic circles, which advocate the withdrawal of charitable status and financial aid such as it is; and it is the declared policy of the Labour Party ultimately to abolish private education entirely, despite British adherence to the various declarations of human rights which guarantee freedom of parental choice and the right to establsih private schools. At the same time, the demand for private education grows side by side with criticism of the state system and public opinion polls show the same support for freedom of choice as in other countries.

I hope this *tour d'horizon*, inadequate though it is, may have served to highlight the delicateness of the balance between the claims of equality of opportunity and of autonomy and the impossibility of giving full effect to both at once. I hope too that it will have convinced you

that underneath the differences which mark our individual experience there are common factors which should persuade us to make common cause in the defence of an important aspect of personal freedom, which, though it cannot be absolute, should never be allowed to disappear for the sake of an equally unperfectable equality. We shall do well to learn from one another's experience; and I hope we shall not hesitate to acknowledge that unless we can make our case to our fellow citizens we are not likely to flourish. May I conclude by suggesting what seem to me to be some major common problems and questions to which we shall be giving our attention during the conference?

Firstly, whether we are favoured by governments and public opinion or not, **how safe in fact is the constitutional and legal protection of the rights of parents and schools on which we rely?** Quite apart from political ideologies, could it be threatened if more than a certain proportion of children were educated in our private schools? I know that some people in Denmark think this would be so if more than 10% entered the schools. Or if the proportion is already high, as it is in the Netherlands and private schools are wholly subsidised by government funds on a parity with state schools and without the right to charge fees, **should such schools be thought of as different in kind, quasi-governmental or parastatal rather than independent? Are there size limits or quality limits to a viable, genuinely diverse and open private sector?**

Secondly, is there an inescapable conflict between the preservation of autonomy and the need for subsidy to provide equality of opportunity? **What controls, the inevitable price for subsidy, are acceptable and what are to be avoided at all costs?**

Thirdly does freedom of choice apply equally to experimental as to orthodox schools? How coercive are publicly controlled examinations in terms of curricular freedom?

Fourthly, **how do we ensure that the customer gets value for money? Is the market principle of *caveat emptor* a fair one or is private education in some cases a confidence trick? If so, should the state or our own associations offer protection to the customer?**

Fifthly, **what is our effect on the public system of education? Is it our role to compete with or to compliment it?** Some educationists argue for

a diversification of the public system rather than fostering independent education to the same end, but experiment has not proved very encouraging.

For my own part, I stand by my creed, that if we want a liberal, independently minded adult society we must aim for the greatest possible degree of responsible autonomy both in state and independent schools and universities which is consistent with open access and equality of opportunity for each to develop such talents as he or she possesses. Variety in educational goals and methods means freedom to promote both secular and religious values within a spectrum approved by society as a whole but not to indoctrinate or stifle. It is a delicate balancing act, but the true object of education is to teach not so much facts as discrimination and critical ability, including that of self-criticism. If we are confident of the role of independent schools, we must also ensure that we match our practices with our aspirations, and that our aspirations are true to our beliefs.